

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMALIA CRINA KLINE,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 19-2560
	:	
v.	:	
	:	
STATE CORRECTIONAL INSTITUTION	:	
MUNCY DEPARTMENT OF	:	
CORRECTIONS and THE ATTORNEY	:	
GENERAL OF THE COMMONWEALTH	:	
OF PENNSYLVANIA,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 3rd day of September, 2020, after considering the petition under 28 U.S.C. § 2254 for a writ of habeas corpus filed by the *pro se* petitioner, Amalia Crina Kline (Doc. No. 1), the response in opposition to the petition filed by the respondents (Doc. No. 15), and United States Magistrate Judge Linda K. Caracappa's report and recommendations (Doc. No. 16), it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to **REMOVE** this action from civil suspense and **RETURN** it to the court's active docket;
2. The Honorable Linda K. Caracappa's report and recommendation (Doc. No. 16) is **APPROVED** and **ADOPTED**;¹
3. The petitioner's petition for a writ of habeas corpus (Doc. No. 1) is **DENIED**;

¹ Since neither party filed objections to Judge Caracappa's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. See *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Caracappa's report for plain error and has found none.

4. The petitioner has not made a substantial showing of the denial of a constitutional right and is therefore not entitled to a certificate of appealability, 28 U.S.C. § 2253(c)(2); and

5. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.